

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2011-688*

13 **STEPHANIE LAURA GAVIN-MERRIN,**
14 **a.k.a. STEPHANIE LAURA GAVIN**
15 **591 Hilltop Drive, Apt. 27**
16 **Redding, CA 96003**
17 **Registered Nurse License No. 762303**

A C C U S A T I O N

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about October 29, 2009, the Board of Registered Nursing issued Registered
24 Nurse License Number 762303 to Stephanie Laura Gavin-Merrin, also known as Stephanie Laura
25 Gavin (Respondent). The Registered Nurse License will expire on November 30, 2011, unless
26 renewed.
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1 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
2 action.

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4 “(e) Making or giving any false statement or information in connection with the application
5 for issuance of a certificate or license.”

6 COST RECOVERY

7 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licentiate found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 FIRST CAUSE FOR DISCIPLINE

12 (Unprofessional Conduct – Arizona Discipline)
13 (Bus. & Prof. Code §2761(a)(4))

14 9. Respondent has subjected her registered nurse license to disciplinary action under
15 Code section 2761, subdivision (a)(4), in that on or about January 29, 2009, in a disciplinary
16 action before the Arizona State Board of Nursing (Arizona Board), Order No. 0707035, the
17 Arizona Board entered an Order of Denial (Order), revoking Respondent’s temporary certificate,
18 ordering her to immediately cease and desist the practice of nursing in the State of Arizona, and
19 denying her application for a license to practice as a registered nurse. The Order further ordered
20 that Respondent would not be eligible to reapply for a registered nurse license in Arizona for a
21 minimum of five years from the effective date of the Order.

22 10. The underlying conduct supporting the Arizona Board’s disciplinary order is that on
23 or about June 21, 2007, Respondent submitted a registered nurse application for licensure by
24 endorsement to the Arizona Board. Based on information received during Respondent’s
25 application process, the Arizona Board conducted an investigation. In the course of that
26 investigation, the Arizona Board learned that on or about March 8, 2006, in Palm Beach County,
27 Florida, Respondent and the driver of another vehicle pulled over and attacked each other in the
28 middle of the roadway. The Arizona Board also learned that on or about June 24, 2006, in Palm

1 Beach County, Florida, Respondent was observed swerving between lanes, and a truck travelling
2 in the opposite direction had to take evasive action to avoid a head-on collision. A deputy with
3 the Palm Beach Sheriff's Office pulled Respondent over and observed that her breath smelled like
4 alcohol, her speech was slurred, and she was unsteady on her feet. Respondent had her four-year-
5 old and seven-year-old children in the back seat of her vehicle. Respondent was argumentative,
6 hostile, agitated, belligerent, and insulting with the deputy. Respondent denied having consumed
7 any alcohol, however she was unable to perform the field sobriety tests satisfactorily.
8 Respondent was arrested for driving under the influence. Breath tests revealed that Respondent
9 had a blood alcohol concentration of .153 percent and .139 percent. Respondent was also charged
10 with endangering her children.

11 11. On numerous occasions from August 2007 through November 2008, the Arizona
12 Board sent Respondent a questionnaire with instructions to provide a written explanation and
13 specific court and police records regarding each of her arrests, citations, or charges, and
14 instructing her to contact her assigned investigator, or else risk disciplinary action by the Arizona
15 Board. Respondent failed to respond to the Arizona Board's requests and the above Order was
16 entered.

17 SECOND CAUSE FOR DISCIPLINE
18 (Unprofessional Conduct – Florida Discipline)
19 (Bus. & Prof. Code §2761(a)(4))

20 12. Complainant realleges the allegations contained in paragraphs 9 through 11 above,
21 and incorporates them by reference as if fully set forth.

22 13. Respondent has subjected her registered nurse license to disciplinary action under
23 Code section 2761, subdivision (a)(4), in that on or about January 11, 2010, in a disciplinary
24 action before the State of Florida Board of Nursing (Florida Board), Case Number 2009-09683,
25 the Florida Board entered a Final Order approving and adopting the Settlement Agreement
26 (Agreement) between Respondent and the Florida Board, which Respondent signed on or about
27 September 3, 2009. The Agreement suspended Respondent's Florida registered nurse license
28 until she underwent an evaluation coordinated by the Intervention Project for Nurses (IPN), and

1 complied with all terms and conditions imposed by IPN as a result of the evaluation. The
2 suspension would be stayed as long as Respondent participated in the IPN. Violation of the IPN
3 Advocacy Contract would result in an immediate lift of the stay of suspension. Reinstatement
4 would require Respondent to demonstrate at least two years of documented, continuous sobriety.
5 If the IPN evaluation revealed that Respondent was not in need of monitoring or treatment and
6 the IPN was not suitable, Respondent would not have to take further action other than to pay an
7 administrative fine and enroll in and successfully complete courses in legal aspects of nursing and
8 ethics.

9 14. The underlying conduct supporting the Florida Board's disciplinary order is that on or
10 about June 24, 2006, in the County Court in and for Palm Beach, Florida, Respondent pled guilty
11 to driving under the influence, a misdemeanor. Respondent failed to report her guilty plea to the
12 Florida Board as required under Florida law. Furthermore, as set forth above in paragraphs 9
13 through 11, Respondent was disciplined by the Arizona Board on or about January 29, 2009,
14 which constituted a cause for discipline against Respondent's Florida registered nurse license
15 under Florida law.

16 THIRD CAUSE FOR DISCIPLINE

17 (Unprofessional Conduct – False Statement or Information in Application)

18 (Bus. & Prof. Code §2761(e))

19 15. Complainant realleges the allegations contained in paragraphs 9 through 14 above,
20 and incorporates them by reference as if fully set forth.

21 16. Respondent has subjected her registered nurse license to disciplinary action under
22 Code section 2761, subdivision (e), in that she made or gave false statements and information to
23 the Board in connection with her application for issuance of her California registered nurse
24 license. The circumstances are as follows:

25 17. On or about August 24, 2009, Respondent submitted her Application for Licensure by
26 Endorsement to the California Board of Registered Nursing. Respondent certified under penalty
27 of perjury that all information provided in connection with her application for licensure was true,
28 correct, and complete. Respondent also acknowledged that she fully understood that she was

1 required to report immediately to the California Board any disciplinary action against any health-
2 care related license or certificate that occurred between the date of her application and the date
3 that her California registered nurse license was issued. In her application, Respondent denied
4 ever having had disciplinary proceedings taken against any license as a registered nurse or any
5 health-care related license or certificate in any state or country. Respondent's denial of prior
6 discipline constitutes a misrepresentation given that the he Arizona Board revoked her temporary
7 certificate on or about January 29, 2009. Furthermore, Respondent failed to report the Florida
8 Board's disciplinary action against her Florida registered nurse license. Respondent signed the
9 Settlement Agreement with the Florida Board on or about September 3, 2009. Her California
10 registered nurse license was issued on or about October 29, 2009.

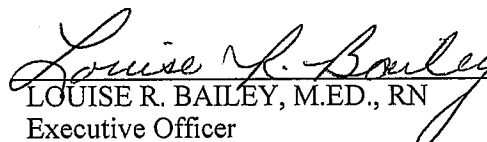
11 PRAYER

12 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
13 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- 14 1. Revoking or suspending Registered Nurse License Number 762303, issued to
15 Stephanie Laura Gavin-Merrin, also known as Stephanie Laura Gavin;
16 2. Ordering Stephanie Laura Gavin-Merrin, also known as Stephanie Laura Gavin to
17 pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of
18 this case, pursuant to Business and Professions Code section 125.3;
19 3. Taking such other and further action as deemed necessary and proper.

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22 DATED:

February 7, 2011


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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